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MAILED

JUL 28 2005

Technology Center 2100

In re Application of:
Brennan J. MCTERNAN, et al.
Application No. 09/767,603
Filed: January 22, 2001
For: SYSTEM AND METHOD FOR USING
BENCHMARKING TO ACCOUNT FOR
VARIATIONS IN CLIENT CAPABILITIES
IN THE DISTRIBUTION OF A MEDIA
PRESENTATION

**DECISION ON REQUEST TO
WITHDRAW AS ATTORNEY
OR AGENT**

This is a decision on the Request to Withdraw from Representation filed April 6, 2005.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

A review of the file reveals that a non-final Office Action was mailed on August 25, 2004. Therefore, the time for response, including the maximum extendable period, to the Office action mailed on August 25, 2004 expired February 25, 2005. Accordingly, the request is **DENIED**.

Further communications will continue to be addressed to the address above.

A handwritten signature in cursive script, appearing to read "Michelle R. Eisen", is written over a horizontal line. To the right of the signature, there is a small, stylized mark that looks like "for".

Vincent N. Trans
Special Program Examiner
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